

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BRUCE WOODS,	:	
	:	NO. 1:00-CV-00803
Petitioner,	:	
	:	
	:	OPINION AND ORDER
v.	:	
	:	
	:	
WANZA JACKSON,	:	
	:	
Respondent.	:	
	:	

This matter is before the Court on the Joint Motion to Alter or Amend the Court's Opinion and Order of March 22, 2006 to Clarify the Relief Granted and Petitioner's Obligation to File a Motion in State Court (doc. 82).

The parties move the Court pursuant to Fed. R. Civ. P. 59(e) for an amendment of the Court's order so as to eliminate any ambiguity about the scope of the habeas relief granted by deleting the phrase "of his sentence" from the Court's Order (Id.). The parties are concerned that the Order does not on its face obligate Petitioner to initiate proceedings to effectuate habeas relief by filing a motion for delayed appeal in the Hamilton County Court of Appeals, and are concerned that absent such an explicit order, Petitioner could be released per the Court's order even absent such a filing (Id.). Accordingly, the parties request that the last sentence in the introductory section and the last sentence of the Opinion and Order be amended to add language requiring

Petitioner to file a motion for delayed appeal and to eliminate reference to his sentence (Id.).

Having reviewed this matter, the Court finds the parties' joint motion well-taken. Accordingly, the Court GRANTS such motion (doc. 82), and AMENDS its March 22, 2006 Order (doc. 80) so as to read as follows: The Court further GRANTS Petitioner's Motion for Summary Judgment (doc. 72), and ORDERS that a writ of habeas corpus should issue, such that Petitioner, upon his filing of a motion for delayed appeal in the Hamilton County Court of Appeals within twenty days of this Order, shall be released from prison unless the Hamilton County Court of Appeals grants Petitioner a delayed appeal within ninety days of the date upon which Petitioner files his motion with that court.

SO ORDERED.

Dated: April 6, 2006

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge